



भारत का राजपत्र

The Gazette of India

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सं० 7]

नई दिल्ली, शनिवार, फरवरी 13, 1965/माघ 24, 1886

No. 7]

NEW DELHI, SATURDAY, FEBRUARY 13, 1965/MAGHA 24,

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण गजट 30 जनवरी, 1965 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published upto the 30th January 1965 :—

Issue No.	No. and Date	Issued by	Subject
13	G.S.R. 182, dated 23rd January, 1965.	Ministry of Food and Agriculture.	The Indian Maize (Temporary use in Dextrose Manufacture) Order, 1965.
14	G.S.R. 183, dated 25th January, 1965.	Ministry of Finance	The Post Office Savings Banks Rules, 1965.
15	G.S.R. 184, dated 27th January, 1965.	Ministry of Food and Agriculture.	The Pondicherry Coarse Grains (Export Control) Order, 1965.
16	G.S.R. 185, dated 30th January, 1965.	Do.	Further amendment to G.S.R. No. 1987, dated 30th December, 1963.

उपर लिखे असाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3 उपखण्ड (i)

PART II—Section 3—Sub-section (i)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य-क्षेत्रों के प्रशासनों को छोड़कर) केंद्रीय प्राधिकारियों द्वारा जारी किए गए विधि के अन्तर्गत बनाये और जारी किये गये साधारण नियम (जिनमें साधारण प्रकार के आदेश, उप-नियम आदि सम्मिलित हैं)।

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th January 1965

G.S.R. 219.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Statistical Service Rules, 1961, namely:—

- 1 (1) These rules may be called the Indian Statistical Service (Amendment) Rule, 1965
- (2) These rules shall be deemed to have come into force with effect from the 1st November, 1961
2. In Schedule I to the Indian Statistical Service Rules, 1961, under the heading "Grade III—DEPUTY DIRECTOR", in the entries against serial number 10, the entry "(ii) National Tuberculosis Institute Bangalore" occurring in column (2) and the entries corresponding to it in columns (3) to (6) shall be omitted.

[No F 8/44/63-Estt(D)(Cell)]

HARISH CHANDRA, Under Secy.

New Delhi, the 3rd February 1965

G.S.R. 220.—In pursuance of sub rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, the Central Government, in consultation with the Government of Rajasthan and the Union Public Service Commission, hereby makes the following Regulations further to amend the Indian Police Service (Appointment by Promotion) Regulations, 1955, namely —

- 1 These Regulations may be called the Indian Police Service (Appointment by Promotion) First Amendment Regulations 1965
- 2 In the Schedule to the Indian Police Service (Appointment by Promotion) Regulations, 1955, in the entries in column 3 relating to the State of Rajasthan for the words "Deputy Inspector General of Police nominated by the State Government" the words "Additional Inspector General of Police" shall be substituted

[No. 28/43/64-AIS III.]

O S MARWAH, Under Secy.

MINISTRY OF FINANCE**(Department of Revenue)****CENTRAL EXCISES**

New Delhi, the 6th February 1965

G.S.R. 221.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, the Central Government hereby makes the following amendment to the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 89/64-Central Excises, dated the 17th April, 1964, namely:—

In the proviso to the said Notification, for the word "clearances" in the two places where it occurs, the words "clearances for home consumption" shall be, and shall be deemed always to have been, substituted.

[No. 10/65-CE./F.No.7/15/64-CXII.]

G.S.R. 222.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, the Central Government hereby makes the following amendment to the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 56/64 dated the 1st March, 1964, namely:—

In the said Notification, for item (iii), the following item shall be, and shall be deemed always to have been, substituted, namely:—

"(iii) soles specially made and clearly recognisable as being designed for sponge rubber chappals,".

[No. 11/65-F.No. 8/18/64-CXII.]

N. B. SANJANA, Under Secy

(Department of Revenue)**CUSTOMS**

New Delhi, the 13th February, 1965

G.S.R. 223.—In exercise of the powers conferred by sub-section (1) of Section 75 of the Customs Act, 1962 (52 of 1962), as in force in India the Central Government hereby makes the following further amendment in the Notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. GSR-575 (55/F. No. 34/86/60-Cus.-IV), dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said Notification, after the existing item at Serial No. 259 and entries relating thereto the following shall be added, namely:—

"260. Paper and Pulp making machinery and equipment, components and accessories thereof."

[No. 23/F. No. 215/1/65-DBK].

G.S.R. 224.—In exercise of the powers conferred by sub-section (i) of section 75 read with sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. GSR 575, (55/F. No. 34/86/60-Cus.IV), dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said Notification after the existing item at Serial No. 260 and entries relating thereto the following shall be added, namely:—

"261 Tungsten Carbide Powder'.

[No. 24/F. No. 216/1/65-DBK(II)].

CUSTOMS AND CENTRAL EXCISE

New Delhi, the 13th February 1965

G.S.R. 225.—In exercise of the powers conferred by sub-section (2) of Section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

Amendment

These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1965.

In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 214 and entries relating thereto, the following shall be added, namely:—

"215. Paper Board and pulp making machinery and equipment, components and accessories thereof."

[No. 3/F. No. 215/1/65-DBK(II)].

G.S.R. 226.—In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

Amendment

These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1965.

In the second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 215 and entries relating thereto the following shall be added, namely:—

"216. Tungsten Carbide Powder".

[No. 4/F. No. 216/1/65-DBK(II)].

G. P. DURAIRAJ, Dy. Secy.

(Department of Company Affairs & Insurance)

New Delhi, the 3rd February, 1965

G.S.R. 227.—In exercise of the powers conferred by section 620B of the Companies Act, 1956 (1 of 1956), as extended to the Union territory of Goa, Daman and Diu, the Central Government hereby directs that for the period commencing on the 19th day of September, 1964 and ending with the 18th day of March, 1965, section 611 of the said Act shall apply to the Union territory of Goa, Daman and Diu subject to the modification specified below:—

In sub-section (1) of the said section 611, after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that in the case of any *Sociedade per quotas responsabilidade limitada* formed under the Portuguese Commercial Code which may be incorporated as a company under this Act, no fees shall be charged in respect of its registration as such company or in respect of the filing, registering or recording of any document required by this Act to be filed, registered or recorded in respect of any such *Sociedade* at the time of such registration:".

[No. F.2/3/62-PR].

B. M. MITRA, Jt. Secy.

MINISTRY OF COMMERCE*New Delhi, the 30th January 1965*

G.S.R. 228.—In exercise of the powers conferred by section 24 of the Tariff Commission Act, 1951 (50 of 1951), the Central Government hereby makes the following rules further to amend the Tariff Commission (Class I and Class II) Recruitment Rules, 1958, namely:—

1. These rules may be called the Tariff Commission (Class I and Class II) Recruitment (Amendment) Rules, 1965.

2. In the Schedule to the Tariff Commission (Class I and Class II) Recruitment Rules, 1958, after item 14 and the entries relating thereto, the following item and entries shall be inserted, namely:—

1	2	3	4	5	6	7	8	9	10	11	12	13
			Rs.									
Research Officer (Chemicals)	1	General Central Service Class II, Gazetted	400—25— 500—30— 590—EB— 30—800— EB—30— 830—35— 900.	N.A.	35 years and below (Relaxable for Govt. servants)	<i>Essential :</i> Degree in Chemical Engineering Technology of a recognised University, preferably in the field of Organic Chemical Technology, such as dyestuffs, drugs, plastics, etc., or equivalent. Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified. <i>Desirable :</i> Practical experience in a responsible position in a factory.	N.A.	2 years	By direct recruitment	N.A.	N.A.	As required under the rules.

[No. 3-E.I(3)/57]

K. K. SACHDEV, Under Secy.

TEA CONTROL

New Delhi, the 30th January 1965

G.S.R. 229.—The following amendment to the Tea Board Bye-laws, 1955, made by the Tea Board in exercise of the powers conferred by sub-section (1) of section 50 of the Tea Act, 1953 (29 of 1953), is hereby published for general information, the same having been confirmed by the Central Government as required by sub-section (2) of that section, namely:—

In the said bye-laws, after bye-law 18A, the following bye-law shall be inserted, namely:—

"18B. Permanent transfer of services of certain employees of the Board.—

(1) Where the services of an employee of the Board, other than an employee on deputation to the Board, are lent to any corporation owned or controlled by the Central Government or any State Government and such employee is to be permanently absorbed in that corporation, the authority competent to make appointment to the post held by such employee in the Board, may, subject to exigencies of service, transfer his services permanently to that corporation.

(2) Where the services of an employee of the Board are permanently transferred to a corporation under clause (1), the Board shall allow to such employee, in respect of his services under the Board, such retirement benefits as are allowed by the Central Government to its employees of comparable grade and whose services are permanently transferred to any such corporation."

[No. 8(1)Plant(A)/64.]

B. KRISHNAMURTHY, Under Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 30th January 1965

G.S.R. 230.—In exercise of the powers conferred by section 3 read with section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Andhra Pradesh Coal Mines Provident Fund Scheme published with the notification of the Government of India in the late Ministry of Labour No. SRO 657, dated the 12th March, 1956, namely:—

1. This Scheme may be called the Andhra Pradesh Coal Mines Provident Fund (Amendment) Scheme, 1965.

2. In the Andhra Pradesh Coal Mines Provident Fund Scheme, for paragraph 19, the following paragraph shall be substituted, namely:—

"19. Currency of Contribution Cards—The contribution cards issued under this Scheme shall have the period of currency of one year:

Provided that this period of one year may commence and terminate at such different times as may be decided by the Board from time to time;

Provided further that the cards issued in respect of any particular currency period may have a period of currency longer or shorter than the period of one year where so decided by the Board.

Provided also that each currency period commencing after the 1st January, 1965, shall be divided into four quarters of three consecutive months each and for every member there shall be a separate contribution card in Form T or Form U, as the case may be, for each such quarter."

[No. 2(422)/64-PF-I.]

SHAH AZIZ AHMED Dy. Secy.

MINISTRY OF WORKS AND HOUSING

(Central Boilers Board)

New Delhi, the 13th February 1965

G.S.R. 231.—In exercise of the powers conferred by section 3 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby publishes the following Regulations further to amend the Indian Boiler Regulations, 1923, the same

having been previously published as required by sub-section (1) of section 31 of the said Act, namely:—

1. These Regulations may be called the Indian Boiler (Fifth Amendment) Regulations, 1965.

2. In the Indian Boiler Regulations 1950, in Regulation 290—

(i) for the first sentence in the second paragraph of clause (b), the following sentence shall be substituted, namely:—

“The working pressure of the chests shall be determined by equation 91 or 91A, whichever is applicable, where the term ‘2 S’ shall be substituted by the term ‘1.8 S’.”

(ii) for clause (c), the following clauses shall be substituted, namely:—

“(c) The working pressure and the thickness of the chests shall be determined by the following formulae, subject to the minimum thickness as specified in regulation 283(b).

$$\frac{WP = S \times (t - c)}{4.5 \times D} \dots \dots \text{Eqn. (76).}$$

$$t = \frac{5 \times WP \times D + C}{S} \dots \dots \text{Eqn. (77).}$$

Where S is the specified minimum tensile strength for the grade of material,

D is the external diameter of the chest,

t is the minimum thickness of the chest, excluding tolerance and

C is the minimum positive tolerance as specified hereunder:—

For bronze chests—C=1.5 mm or 0.06 in

For Cast iron chests—C=5 mm or 0.20 in

For Cast steel chests—C=5 mm or 0.20 in

(d) For chests made of cast steel, for service temperatures exceeding 290°C (554°F), the working pressure as calculated by equation 76, shall be multiplied by a factor as given below:—

315°C (600°F) 0.90

345°C (653°F) 0.80

375°C (707°F) 0.75

405°C (761°F) 0.71

435°C (815°F) 0.66

454°C (850°F) 0.63

Intermediate values may be interpolated.”

[No. BL-9/14/63-S&PII.]

G.S.R. 232.—In pursuance of clause (g) of Regulation 2 of the Indian Boiler Regulations, 1950, the Central Boilers Board hereby recognises Det Norske Veritas (The Norwegian Veritas), Radhusgaten 25, Oslo, Norway, as an Inspecting Authority competent to grant in Norway certificate in FORM II annexed to the said Regulations in Norway.

[No. S&PII/BL-8(4)/62.]

K. B. SAXENA, Secy.

MINISTRY OF CIVIL AVIATION

New Delhi, the 2nd February 1965

G.S.R. 233.—The following draft of certain rules further to amend the Indian Aircraft Rules, 1937, which the Central Government proposes to make, in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934), is published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after 15th April, 1965.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Aircraft (Amendment) Rules, 1965.

2. In the Indian Aircraft Rules, 1937, in Schedule X—

(1) for sub-paragraph (a) of paragraph 1, the following sub-paragraph shall be substituted, namely:—

“(a) Heavier-than-air Aircraft.

(i) *Wings.*—The marks shall appear once on the lower surface of the wing structure. They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure. So far as is possible, the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) *Fuselage (or equivalent structure) and vertical surfaces.*—The marks shall appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surface, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface, they shall appear on both sides. When located on multi-vertical tail surfaces, they shall appear on the outboard sides of the outer surfaces.”

(2) in paragraph 2—

(i) for sub-paragraph (a), the following sub-paragraph shall be substituted, namely:

“(a) Heavier-than-air Aircraft

(i) *Wings.*—The height of the marks on the wings of heavier-than-air aircraft shall be at least 50 centimetres (20 inches),

(ii) *Fuselage (or equivalent structure) and vertical tail surfaces.*—The height of the marks on the fuselage (or equivalent structure) and on the vertical tail surfaces of heavier-than-air aircraft shall be at least 30 centimetres (12 inches).

(iii) The letters constituting each group of marks shall be of equal height.”

(ii) in sub-paragraph (b), for the figures and word “50·8 centimetres”, the figures, words and brackets “50 centimetres (20 inches)” shall be substituted.

[No. F. 10-A/93-64/AR/AM

S. N. KAUL, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 1st February 1965

G.S.R. 234.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885) the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules 1951, namely—

1 These rules may be called the Indian Telegraph (First Amendment) Rules, 1965.

2 In the Indian Telegraph Rules, 1951,—

(a) for rules 131, 132 and 135, the following rules shall be substituted namely.—

“131 (1) (a) Inland press telegrams are inland telegrams, the text of which is made up of information and news intended for

(i) publication in newspapers and other periodical publications, the names of which have been registered by Heads of Circles, or

(ii) broadcast by the All India Radio

Provided that such telegrams may contain also instructions, written within brackets at the beginning or end of the text, relating to the publication or broadcasting of the telegrams not exceeding in length 10 words or 5 per cent of the total number of chargeable words in the telegram, whichever is less

(b) Such telegrams shall be addressed by means of the registered titles or abbreviated telegraphic addresses and towns of registration of the authorised recipients

(2) The following shall also be considered as inland press telegrams—

(a) An inland telegram from or to a newspaper or news agency by its registered title (but not by the name or designation of a person connected with its publication or management) to or from any of its correspondents or employees by name or designation or both, on the subject of a press telegram actually received from or despatched by, such correspondent or employee,

(b) An inland telegram on any matter of press business from a newspaper or news agency by its registered title only to an officer of the Telegraph Department,

(c) An inland telegram containing news from a registered news agency by its registered title only to an officer of the Central or a State Government duly authorised, in this behalf, by the Central Government,

(d) An inland telegram containing a summary for public information of the information received from weather observation stations to any person from an officer of the Indian Meteorological Department,

(e) An inland telegram containing intelligence for broadcasting from a registered news agency, or from an officer of the All India Radio to another officer authorised in this behalf by the Central Government

(f) Press telegrams to and from the Publicity Departments of the State and Union Governments,

(g) An inland telegram containing intelligence from registered news agency authorised correspondents to the press service of any Division

(h) An inland telegram containing intelligence for publicity or broadcasting from an officer authorised in this behalf by the Central Government to the Ministry of External Affairs, XP Division

132 For the purpose of inland press telegrams each authorised entity may have an abbreviated

title of inland press telegrams each authorised entity may be registered free of charge

135. The admission of inland press telegrams for transmission at the special press rates prescribed under rule 133 shall be subject to the fulfilment, by the news agency concerned and by its correspondents and employees, of the following conditions:—

- (1) A news agency shall, on registration, and annually thereafter, submit to the Head of the Circle concerned, a list of its bonafide subscribers to whom it issues news.

NOTE.—Form of application for registration may be obtained at any Government Telegraph Office.

- (2) A copy of every newspaper in which a press telegram is published shall on demand, be furnished to the telegraph office by which such press telegram was delivered.

(b) In rule 136, for clause (1), the following clause shall be substituted, namely:—

- “(1) Such telegrams shall be written in plain language in Roman or Devnagri script, but ordinary words so written may be abbreviated. Telegrams in any Indian languages prevalent in the place of origin or of destination shall also be accepted provided they are written in Roman or Devnagri Script.”

[No. 35-66/61/T-2.]

D. P. BISWAS,

Assistant Director General (T).

MINISTRY OF EDUCATION

New Delhi, the 6th February 1965

G.S.R. 235.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the National Library, Calcutta (Class III Ministerial and Non-Ministerial Posts), Recruitment Rules 1959, namely:—

1. These rules may be called the National Library, Calcutta (Class III Ministerial and Non-Ministerial Posts) Recruitment (Amendment) Rules, 1965.

2. In the Schedule to the National Library, Calcutta (Class III Ministerial and Non-Ministerial Posts) Recruitment Rules, 1959, for the entry under column 9 against serial No 7 under the sub-heading “Ministerial posts,” the following entry shall be substituted, namely:—

“(i) Matriculation.

(ii) Minimum speed of 30 words per minute in typing provided that—

- (a) a person not possessing the said qualification in typing may be appointed subject to the condition that he will not be eligible for drawing increments in the pay scale or for confirmation in the grade till he acquires a speed of 30 words per minute in typing; or
- (b) a physically handicapped person who is otherwise qualified to hold a clerical post but does not possess the said qualification in typing may be appointed subject to the condition that the Medical Board, attached to the Special Employment Exchange for the handicapped or where there is no such Board, the Civil Surgeon, certifies that the said handicapped person is not in a fit condition to be able to type.”

[No. F. 10-13/64.C.2.]

V. P. AGNIHOTRI, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING*New Delhi, the 25th January 1965*

G.S.R. 236.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Press Information Bureau (Class III posts) Recruitment Rules, 1963, published with the notification of the Government of India in the Ministry of Information and Broadcasting, No. G.S.R. 1515, dated the 18th September 1963, namely:—

1. The rules may be called the Press Information Bureau (Class III posts) Recruitment Amendment Rules, 1963.

2. In the Schedule to Press Information Bureau (Class III posts) Recruitment Rules, 1963:—

(1) for the entries under columns 5 to 12 against serial No. 1, the following shall be substituted, namely:—

5	6	7	8
Nil	25 per cent on the basis of the competitive examination limited to L.D.C's.	75 per cent	Filling recruitments by promotion by transfer
		9	10
		Not applicable	Not applicable
			11
			Not applicable

12.

(i) *Promotion by selection:*

From amongst Lower Division Clerks (including Indian Language Typists, Stenotypists and Teleprinter Operators), with three years' service in the Grade, in the Press Information Bureau, who are not included in the Central Secretariat Clerical Service and who have passed the limited competitive Examination held for the purpose.

(ii) *Promotion by Security-cum-Fitness:*

From amongst Lower Division Clerks (Indian Language Typists, Stenotypists and Teleprinter Operators) in the Press Information Bureau, who are not included in the Central Secretariat Clerical Service and who have put in at least three years' service in that grade.

(iii) *Transfer:*

From Upper Division Clerks of the other Units of the Ministry of Information and Broadcasting not included in the Central Secretariat Clerical Service.

[No. F.1/7/63-I(A).]

R. K. GOVIL, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 1st February 1965*

G.S.R. 237.—The Government of India hereby recognises the following Degrees for the purpose of Note (2) below "Desirable" under Rule 5 of the Labour Officers (Central Pool) Recruitment and Conditions of Service Rules, 1951;

1. M.A. Degree in Labour and Social work of Patna University.
2. Masters Degree in Social Technique of Lucknow University.

[No. 10/5/63-LWI.II.]

B. R. SETH, Dy. Secy

म और रोजगार मंत्रालय

नई दिल्ली, 1 फरवरी, 1965

जी०एस०आर० 238—भारत सरकार एतद् द्वारा अम अधिकारी (केन्द्रीय पूल) भर्ती और सेवा शर्तें नियम 1951 के नियम 5 के अन्तर्गत “वांछनीय” के नीचे नोट (2) के लिए निम्नलिखित शिष्टियों को मान्यता देती है:—

1. पटना विश्वविद्यालय की अम और सामाजिक कार्य में एम०ए० की डिग्री ।
2. सखनऊ विश्वविद्यालय की सामाजिक तकनीक में एम०ए० की डिग्री ।

[सं० 10/5/63-LWI-II]

बी० आर० सेठ, उप सचिव

New Delhi, the 3rd February 1965

G.S.R. 239.—In exercise of the powers conferred by section 58 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following rules further to amend the Mines Rules, 1955, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:—

1. These rules may be called the Mines (Amendment) Rules, 1965.
2. In rule 43 of the Mines Rules, 1955 (hereinafter referred to as the said Rules),—
 - (i) for the word “ambulance”, wherever it occurs (including the Short title), the words “first-aid” shall be substituted;
 - (ii) in sub-rule (1), for the figures and words “500 or more persons” the words and figures “more than 150 persons” shall be substituted;
 - (iii) for sub-rule (2), the following sub-rule (2), shall be substituted, namely:—

“(2) The first-aid room shall be situated at a convenient place on the surface of the mine and shall be used only for first-aid work.”;
 - (iv) in the proviso to sub-rule (4), after the words “for the time being in force”, the words “or otherwise” shall be inserted.
3. In the Second Schedule of the said Rules, for the heading “Equipment of an ambulance room”, the heading “Equipment of a first-aid room” shall be substituted.

[No. M.R.Am (7) 5(1)/60-MIII]

R. C. SAKSENA, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

New Delhi, the 2nd February 1965

G.S.R. 240.—In exercise of the powers conferred by Rule VIII(2) of the rules of Indian Central Sugarcane Committee, the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the Indian Central Sugarcane Committee Employees (Classification, Control and Appeal) Rules, 1965.
2. **Interpretation.**—In these rules, unless the context otherwise requires:—
 - (a) “Appointing Authority” in relation to an employee means—
 - (i) the authority empowered to make appointments to the post which the employee for the time being holds, or

- (ii) the authority which appointed the employee to such grade or post, as the case may be; whichever authority is the highest authority.
- (b) "Committee" means the Indian Central Sugarcane Committee constituted under Resolution No. F. 4-24/45A, dated the 6th June, 1944 as subsequently amended by the further Resolution No. F. 7-32/53-Com I, dated the 24th December, 1953 of the Government of India in the Ministry of Food and Agriculture (Agriculture).
- (c) "Disciplinary Authority", in relation to the imposition of a penalty on an employee, means the authority competent under these rules to impose on him that penalty,
- (d) "Employee" means an employee of the Indian Central Sugarcane Committee and includes the employees of the Committee who are transferred on foreign service to the Central or State Government, or to any public or private body and also any person in the service of a State or Central Government or a local or other authority whose services are temporarily placed at the disposal of the Committee;
- (e) "Government" means the Central Government;
- (f) "Schedule" means the Schedule to these rules,
- (g) "Secretary" means the Secretary to the Indian Central Sugarcane Committee

3 Application.—(1) These rules apply to all employees.

(2) If any doubt arises whether these rules or any of them apply to any person, the matter shall be referred to the *Government*, whose decision thereon shall be final

4 Special provision by agreement.—Where it is considered necessary to make special provisions in respect of an employee inconsistent with any of these rules, the authority making the appointment may, by agreement with such employee, make such special provisions and thereupon these rules shall not apply to such employee to the extent to which the special provisions so made are inconsistent therewith

Provided that if the appointing authority is other than the Government, the previous approval of the Government shall be obtained by such authority

5 Protection of rights and privileges conferred by any law or agreement.—Nothing in these rules shall operate to deprive any employee of any right or privilege to which he is entitled—

- (a) by or under any law for the time being in force, or
- (b) by the terms of any agreement subsisting between such person and the Government or the Committee at the commencement of these rules

PART II

CLASSIFICATION

6 Classification.—(1) The posts under the Committee shall be classified as under—

Sl No	Description of post	Classification of post
1	A post carrying a pay or a scale of pay with a maximum of not less than Rs 950 00	Class I
2.	A post carrying a pay or a scale of pay with a maximum of not less than Rs 575 00 but less than Rs 950 00.	Class II
3.	A post carrying a pay or a scale of pay with a maximum of over Rs. 110 00 but less than Rs. 575 00.	Class III
4.	A post carrying a pay or a scale of pay the maximum of which is Rs 110 00 or less.	Class IV

[Posts carrying a pay or a scale of pay, the maximum of which is not less than Rs. 900.00 in the revised scale of pay (or Rs. 800.00 in the pre-revised scale) may be treated equivalent to Gazetted posts.]

(2) If there are posts of more than one grade, different grades may be included in different classes.

PART III

APPOINTING AUTHORITIES

7. Appointments to the different posts.—All appointments to posts under the Committee shall be made in accordance with the provisions of Bylaws VIII read with Bylaws V and the Schedule of Delegation of Powers to the officers of the Committee attached to the Rules and Bylaws of the Indian Central Sugarcane Committee.

PART IV

SUSPENSION

8. Suspension.—(1) The appointing Authority or any authority to which it is subordinate or any other authority empowered by the Government or the Committee as the case may be in that behalf, may place an employee under suspension—

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial:

Provided that where the order of suspension is made by an authority lower than the Appointing Authority, such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

(2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Appointing Authority and shall remain under suspension until further order.

(3) Where a penalty of dismissal, removal or compulsory retirement from any post under the Committee imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from any post under the Committee imposed upon an employee is set aside or declared or rendered void in consequence or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V

DISCIPLINE

9 Nature of Penalties.—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely—

- (i) censure;
- (ii) withholding of increments or promotion;

- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Committee by negligence or breach of orders;
- (iv) reduction to a lower grade or post, or to a lower time-scale, or to a lower stage in a time-scale;
- (v) compulsory retirement;
- (vi) removal from Committee service which shall not be a disqualification for further employment;
- (vii) dismissal from any post under the Committee which shall ordinarily be disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this rule:—

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or orders governing the post or the terms of his appointment;
- (ii) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (iv) reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- (v) reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) replacement of the services of an employee whose services have been borrowed from the Central or a State Government, or an authority under the control of the Central or State Government at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services—
 - (a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing probation, or
 - (b) of a temporary employee in accordance with the terms of his appointment or relevant rules applicable to him, or
 - (c) of an employee employed under an agreement, in accordance with the terms of such agreement.

10. Disciplinary Authorities.—(1) The Government may impose any of the penalties specified in rule 9, on any employee.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (3), any of the penalties specified in rule 9 may be imposed on an employee by the authority specified in this behalf by a general or special order of the Government or where no such order has been made, by the Appointing Authority or the authority specified in the Schedule in this behalf.

(3) Notwithstanding anything contained in this rule, no penalty specified in clauses (iv) to (vii) of rule 9 shall be imposed by any authority lower than the Appointing Authority.

11. Procedure for imposing major penalties.—(1) Without prejudice to the provisions of the Public Servants (Inquiry) Act, 1850, no order imposing on an employee any of the penalties specified in clauses (iv) to (vii) of rule 9 shall be

passed except after an enquiry held as far as may be, in the manner hereinafter provided.

(2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the employee and he shall be required to submit, within such time as may be specified by the Disciplinary Authority (a) to such Authority, or (b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-rule (2a), to that Board or Officer, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-rule and in sub-rule (3), the expression “the Disciplinary Authority” shall include the authority competent under these rules to impose upon the employee any of the penalties specified in clauses (i) to (iii) of rule 9.

(2a) The Disciplinary authority may enquire into the charges itself or, if it considers it necessary so to do, it may, either at the time of communicating the charges to an employee under sub-rule (2) or at any time thereafter, appoint a Board of Inquiry or an Inquiring Officer for the purpose.

(3) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for purpose or it is against the public interest to allow him access thereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority or as the case may be, the Board of Inquiry or the Inquiring Officer may inquire into such of the charges as are not admitted.

(5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The employee may present his case with the assistance of any other employee approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(6) The Inquiring Authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include—

- (i) The charges framed against the employee and the statement of allegations furnished to him under sub-rule (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.

(10) (i) If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 9 should be imposed, it shall—

(a) furnish to the employee a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and

(b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(ii) The Disciplinary Authority shall consider the representation, if any, made by the employee in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the employee and pass appropriate orders on the case.

(11) If the Disciplinary Authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 9 should be imposed, it shall pass appropriate orders in the case.

(12) Orders passed by the Disciplinary Authority shall be communicated to the employee who shall also be supplied with a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

12. Procedure for imposing minor penalties.—(1) No order imposing any of the penalties specified in clauses (i) to (iii) of rule 9 shall be passed except after—

(a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and

(b) such representation, if any, is taken into consideration by the Disciplinary Authority.

(2) The record of proceedings in such cases shall include—

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any; and

(iv) the orders on the case together with the reasons therefor.

13. Joint Inquiry.—(1) Where two or more employees are concerned in any case, the Government or the Committee, in respect of Class III and Class IV, or any other authority competent to impose the penalty of dismissal from services on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Subject to the provisions of sub-rule (3) of rule 10, any such order shall specify—

(i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;

(ii) the penalties specified in rule 9 which such Disciplinary Authority shall be competent to impose; and

(iii) whether the procedure prescribed in rule 11 or rule 12 may be followed in the proceeding.

14. Special procedure in certain cases.—Notwithstanding anything contained in rules 11, 12 and 13—

- (i) where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rule; or
- (iii) where the Government is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure, the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

15. Provisions regarding officers lent to Central or State Governments etc.—

(1) Where the services of an employee are lent to the Central or a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

- (i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 9 should be imposed on him, it may, in consultation with the lending authority pass such orders on the case as it deems necessary, Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.
- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 9 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and there upon the lending authority may, if it is the Disciplinary Authority, pass such orders, thereon as it deems necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary;

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rules (10) and (11) of rule 11.

Explanation.—The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority, or after holding such further inquiry as it may deem necessary.

16. Provisions regarding officers borrowed from Government and private bodies.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

- (i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 9 should be imposed on him, it may, subject to the provisions of sub-rule (11) of rule 11 and

after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the employee shall be replaced at the disposal of the lending authority;

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 9 should be imposed on him it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI

APPEALS

17. Orders made by the Government not appealable.—Notwithstanding anything contained in this part, no appeal shall lie against any order made by the Government.

18. Appeals against orders of suspension.—An employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

19. Appeals against orders imposing penalties.—(1) An employee in Class III and IV posts may appeal against an order imposing upon him any of the penalties specified in rule 9 to the authority specified in this behalf either in the schedule or by a general or special order of the Government or where no such authority is specified, to the authority to which the authority imposing the penalty is immediately subordinate.

(2) An employee in a Class II post may appeal—

- (a) to the Appointing Authority against an order made by an authority subordinate to it;
 - (b) to the Government against an order made by any other authority;
- imposing upon him any of the penalties specified in rule 9.

(3) An employee in a Class I post against whom an order imposing any of the penalties specified in rule 9 is made by an authority other than the Government may appeal against such order to the Government.

(4) Notwithstanding anything contained in sub-rules (1) to (3) an appeal against an order in a common proceeding held under rule 13 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.

Explanation.—In this rule the expression “employee” includes a person who has ceased to be in any post under the Committee.

20. Appeal against other orders.—(1) An employee may appeal against an order which—

- (a) denies or varies to his disadvantage, his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or
 - (b) interprets to his disadvantage the provisions of any such rules or agreement, to the Government of the order is passed by the authority which made the rules or agreement, as the case may be or by any authority to which such authority is subordinate, and to the authority which made such rules or agreement if the order is passed by any other authority.
- (2) An appeal against an order—
- (a) stopping an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
 - (b) reverting to a lower grade or post, an employee officiating in a higher grade or post, otherwise than as a penalty;

- (c) reducing or withholding Committee's contribution to the Provident Fund or denying the maximum Provident Fund admissible under the rules; and
- (d) determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose;

shall lie—

- (i) in the case of an order made in respect of an employee on whom the penalty of dismissal from service can be imposed only by the Government, to the Government; and
- (ii) in the case of an order made in respect of any other employee to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from any post under the Committee would lie.

Explanation—In this rule—

- (i) the expression "employee" includes a person who has ceased to be in any post under the Committee;
- (ii) the expression 'Provident Fund' includes any other retirement benefit.

21. Period of limitation for appeals.—No appeal under this Part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

22. Form and contents of appeal.—(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

23. Submission of appeals.—Every appeal shall be submitted to the authority which made the order appealed against:

Provided that if such authority *is not the head of the office in which the appellant may be serving or, if he is not in service, the head of the office in which he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office, who shall forward it forthwith to the said authority:*

Provided further that a copy of the appeal may be submitted direct to the appellate authority.

24. Withholding of appeals.—(1) The authority which made the order appealed against may withhold the appeal if—

- (i) if it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rule 22; or
- (iii) it is not submitted within the period specified in rule 21 and no cause is shown for the delay; or
- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 22 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

25. Transmission of appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 24, together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 24 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

26. Consideration of appeals.—(1) In the case of an appeal against an order of suspension, the appellant authority shall consider whether in the light of the provisions of rule 8 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 9, the appellate authority shall consider—

- (a) whether the procedure prescribed in these rules has been complied with and, if not whether such non-compliance has resulted in violation of any provisions of the Rules etc. of Indian Central Sugarcane Committee or in failure of justice;
 - (b) whether the findings are justified; and
 - (c) whether the penalty imposed is excessive, adequate or inadequate;
- and, pass orders—
- (i) setting aside, reducing, confirming or enhancing the penalty; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv) to (vii) of rule 9 and an inquiry under rule 11 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 14, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in rule 20, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

27. Implementation of orders in appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

27-A. Provision when Disciplinary Authority etc. subsequently becomes Appellate Authority.—Notwithstanding anything contained in this Part, where the person who made the order appealed against becomes by virtue of his subsequent appointment of otherwise, the appellate authority under rules 18 to 20 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to that appeal, be deemed to be appellate authority for the purposes of rules 26 and 27.

PART VII

REVIEW

28 Government's power to review.—Notwithstanding anything contained in these rules, the Government may, on its own motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these rules or the rules repealed by rule 30 and,

- (a) confirm, modify or set aside the order,
- (b) impose any penalty or set aside reduce, confirm or enhance the penalty imposed by the order,
- (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case, or
- (d) pass such other orders as it deems fit

Provided that—

- (1) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty,
- (11) if the Government proposes to impose any of the penalties specified in clauses (iv) to (vi) of rule 9 in a case where an inquiry under rule 11 has not been held, it shall subject to the provisions of rule 14 direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit

29 Review of orders in disciplinary cases.—The authority to which an appeal against an order imposing any of the penalties specified in rule 9 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and, pass such orders as it deems fit, as if the employee had preferred an appeal against such order

Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed

PART VIII

MISCELLANEOUS

30 Repeal and Savings.—(1) Previous rules and any notifications issued and orders made under any such rules to the extent to which they apply to persons to whom these rules apply and in so far as they relate to Classification, Control and Appeal or confer powers to impose penalties or entertain appeals are hereby repealed:

Provided that—

- (a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder,
- (b) any proceedings under the said rules, notification or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules
- (2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules notifications or orders repealed by sub rule (1) in respect of any order passed before the commencement of these rules
- (3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules

31. Removal of doubts.—Where a doubt arises as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Central Government whose decision thereon shall be final.

SCHEDULE

Indian Central Sugarcane Committee Employees (Classification, Control and Appeal) Rules, 1965

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose		Appellate Authority	Remarks
		Authority	Penalties		
Secretary, ICSC*	Secretary, Deptt. of Food.	Secretary, Deptt. of Food.	All	Secretary, Deptt. of Food.	*Persons on transfer will be governed by the rules of their service.
All Class I posts All Class II posts, the maximum of whose pay exceeds Rs. 575/-.	President, ICSC	President, ICSC	All	Do.	
All Class III posts, whose maximum exceeds Rs. 300/- but does not exceed Rs. 575/-.					
Class III posts the maximum of which does not exceed Rs. 300/-.	Secretary, ICSC	Secretary, ICSC	All	Do.	
Class IV posts	Do.	Do.	All	Do.	

[No. F. 7-9/64-S.Cane Instt.]

PRATAP SINGH, Under Secy.

CORRIGENDUM

(Department of Food)

New Delhi, the 8th February 1965

G.S.R. 241.—In the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) published under notification No. G.S.R. 1657 dated the 21st November 1964, on page 815 of the Gazette of India Extraordinary, Part II, Section 3, sub-section (1) dated the 21st November 1964, for "in paragraphs (b) of sub-clauses (1) and (2)" read "in paragraph (b) of sub-clauses (1) and (2) and in sub-clause (2A)"

[No. 206(MP)(C)801/64-PY.II.]

C. BANERJI, Dy. Secy.

खाद्य और कृषि मंत्रालय

(कृषि विभाग)

नई दिल्ली, 8 फरवरी, 1965

जी० एस० आर० 242—संविधान के परिच्छेद 309 के अन्तर्गत मे प्रदत्त अधिकारों का प्रयोग करते हुए राष्ट्रपति जी अन्डेमान वन-विभाग (श्रेणी I तथा श्रेणी II—राजपत्रित पद) भर्ती नियम, 1963 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं :—

1. इन नियमों को अन्डेमान वन-विभाग (श्रेणी I तथा II—राजपत्रित पद) भर्ती (तासरा संशोधन) नियम, 1964 कहा जायेगा।

2. अन्डेमान वन-विभाग (श्रेणी I तथा II—राजपत्रित पद) भर्ती नियम, 1963 की अनुसूची की मद संख्या 1 में कालम 10 तथा 11 के इन्दराज के स्थान पर निम्न इन्दराज को जोड़ा जाये :—

“केन्द्रीय/राज्य/तघ क्षेत्र के उन वन अधिकारियों का, जोकि कम से कम 15 वर्ष तक एक राजपत्रित पद पर कार्य कर चुके हैं और इस अवधि में से 3 वर्ष वन संरक्षक के रूप में कार्य कर चुके हैं, पद पर नियुक्त करने के लिये विचार किया जायेगा।

यदि अन्डेमान वन विभाग के वन संरक्षक को नियुक्ति हेतु चुन लिया जाये तो यह समझा जायेगा कि पद उन्नति करके पुरा किया गया है, अन्यथा यह समझा जायेगा कि पद प्रतिनियुक्ति द्वारा पुरा किया गया है।

पद को प्रतिनियुक्ति द्वारा पुरा किये जाने की स्थिति में प्रतिनियुक्ति की अवधि सामान्यतः ५ वर्ष से अधिक नहीं होनी चाहिये।”

[संख्या 6-72/58-एफ II]

म० सुब्रमणियन, उप-सचिव।

MINISTRY OF HEALTH

New Delhi, the 8th February 1965

G.S.R. 243.—In exercise of the powers conferred by sub-section (2) of section 1 of the Prevention of Food Adulteration (Amendment) Act, 1964 (49 of 1964), the Central Government hereby appoints the 1st day of March, 1965 as the date on which the said Act shall come into force

[No F 14-109/64-PH(L&E)]

M. K. KUTTY, Dy Secy

